

**U.S. EPA Region 5 / VIM Recycling, Inc.**  
**Administrative Consent Order # EPA-5-09-113(a)-IN-05**

**Final Progress Report**  
**January 12, 2010**

**Introduction**

On June 29, 2009, VIM Recycling, Inc. (VIM) entered into an Administrative Consent Order (ACO) #EPA-5-09-113(a)-IN-05 with U.S. EPA Region 5. The VIM facility referenced in the ACO is located at 29861 Old US Highway 33 in Elkhart, Indiana.

A detailed 'Compliance Program' was set forth in paragraphs 26 – 58 of the ACO, which generally required the following activities:

- Monitoring for and control of fire, smoke, dust and odors from stockpiled debris,
- Monitoring and surveillance of stockpiled debris to detect fires,
- Recordkeeping, documentation and reporting of progress to EPA and IDEM,
- Sorting, screening and removal of the larger fraction ( $> 4''$ ) of construction and demolition debris found in stockpiles C-1 and O-1 (delineated in Attachment 1),
- Placement of the smaller fraction ( $< 4''$ ) of the debris sorted and screened into windrows on site.

The O-1 pile contained larger fraction material ( $> 4''$ ) which was previously screened out and did not require sorting or screening prior to removal. The O-1 pile was completely removed in July, 2009. The C-1 pile contained construction and demolition debris mixed with soil that was sorted and screened prior to removal from the site for disposal. The C-1 pile was completely removed in December, 2009.

The ACO required development of a contingency plan for possible emergencies which might occur during the project. The plan was finalized and distributed in August, 2009. Finally, a website was updated regularly to keep the public apprised of progress.

The following final progress report fulfills the requirement in paragraph 57(g) of the ACO, and reviews progress made between November 30, 2009 and January 11, 2010. In addition, a summary of waste materials managed is included. All work necessary to meet the obligations set forth in the ACO was completed as of January 11, 2010.

**Progress Report**

This report is divided into two sections, the administrative aspect and the field activities aspect of the ACO. A summary of these respective activities during the reporting period is found in the following sections.

#### Administrative Management Activities

- Six weekly progress reports were sent to EPA during the reporting period (see Attachment 3).
- The sixth monthly report, covering the period November 2<sup>nd</sup> – November 29<sup>th</sup>, was submitted on December 11<sup>th</sup> to comply with paragraph 57(f) of the ACO.
- The on-site project binder was maintained and updated with required documentation pursuant to the ACO in the main trailer. Agency personnel are provided access to the binder upon request.
- The website (<http://www.vimrecycling.com>) was updated with the November monthly report on December 14<sup>th</sup> to comply with paragraph 56 of the ACO.

#### Field Activities Update

- Excavation, sorting and screening of the C-1 pile concluded on December 16<sup>th</sup>. No additional fines were generated as of this date.
- Removal of 'overs' screened from the C-1 pile concluded on December 28<sup>th</sup>. All overs generated by screening operations were removed as of this date.
- The weekly target required by paragraph 33 of 1000 cubic yards per week was exceeded during the first four weeks of the reporting period (see Attachment 3).
- See Photo Log for details on progress made during the reporting period.
- The two windrows of fines (CF-1 & CF-2) that were temporarily staged to the north and west of the C-1 pile were integrated into 4 windrows (CF-3, CF-4, CF-5 & CF-6), which remain within the footprint of what used to be the C-1 pile.
- These four windrows (CF-3, CF-4, CF-5 & CF-6) were contoured with an excavator and bulldozer to comply with paragraph 38 of the ACO.
- A topographic survey was conducted on January 11, 2010 of the north and west berms along with the 4 windrows of fines (CF-3 to CF-6) left on site as a result of the C-1 pile screening operations (see Attachment 2). The C-1 pile no longer exists and therefore was not surveyed.
- Approximately 13,600 yards of over-sized (> 4") materials, or "overs," were screened out and disposed of in the landfill during the reporting period.
- Approximately 8,100 yards of fines (< 4") were left behind on site in windrows during the reporting period.
- Steam releases continued during the first 4 weeks of the reporting period, which were caused by hot material contained within the C-1 pile. The working face of the excavation was covered each day with soil extracted from within the C-1 pile to attempt to control these emissions.
- Incidental smoke emissions took place during the first 4 weeks of the reporting period. The smoke emissions were caused by hot or smoldering woody wastes as they were excavated from the C-1 stockpile. These events were detected and addressed by excavating the hot material and application/compaction of soil onto the impacted area.
- All remaining traces of "C" waste materials contained within the 'stump pile' were removed, as requested by U.S. EPA in an e-mail dated November 25<sup>th</sup>.

Paragraph 43 of the ACO requires Weekly Progress Reports to be submitted to U.S. EPA each Monday. The following Weekly Progress Reports corresponding to the reporting period for this Final Report are identified in the table below.

Copies of the Weekly Progress Reports are found in Attachment 3.

<b>Weekly Report #</b>	<b>Reporting Period</b>
23	11/30/09 – 12/6/09
24	12/7/09 – 12/13/09
25	12/14/09 – 12/20/09
26	12/21/09 – 12/27/09
27	12/28/09 – 1/03/10
28	1/04/10 – 1/11/10

### Project Totals

The following table summarizes estimates of the materials generated from excavation, sorting, screening and transportation of waste material from the C-1 pile.

<b>Month</b>	<b>Overs</b>			<b>Fines (yd<sup>3</sup>)</b>
	<b>(yd<sup>3</sup>)</b>	<b>(tons)</b>	<b>(trucks)</b>	
June	0	0	0	0
July	11,700 <sup>1</sup>	3333	188 <sup>2</sup>	9,878
August	17,550	5195	238	7,526
September	18,650	5020	204	12,645
October	13,050	3525	142	12,183 <sup>3</sup>
November	17,350	5035	267	12,645 <sup>4</sup>
December	13,600 <sup>5</sup>	4024 <sup>5</sup>	201	8,100 <sup>6</sup>
<b>Total</b>	<b>91,900</b>	<b>26,132</b>	<b>1,240</b>	<b>62,977</b>

#### Notes

1 - Monthly Report #2 incorrectly reported 11,770 yd<sup>3</sup> in the Field Activities Update section.

2 - Weekly Report #5 incorrectly reported 95 truckloads instead of 94.

3 - Rounding effect in spreadsheet.

4 - Rounding effect in spreadsheet.

5 - Weekly Report #25 was missing one truckload (50 yd<sup>3</sup>, 16 tons).

6 - Rounding effect in spreadsheet.

### Anticipated Future Activities

- The project website will be updated with the Final Progress Report.
- The project website at <http://www.vimrecycling.com>, which contains all project documents, will be maintained until February 15, 2010.

### **Contact Information**

Copies of all reporting and documentation required by the ACO are available on site for review at any time by Agency personnel. Any questions regarding this Monthly Report should be directed to:

Mr. Kenneth Will  
VIM Recycling, Inc.  
29861 Old US Highway 33  
Elkhart, Indiana 46516  
Phone: 574/642-3677  
Email: [kwill05@comcast.net](mailto:kwill05@comcast.net)

### **Report Submittal**

As required by Paragraph 57 of the ACO, copies of this report were submitted to the following entities:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. EPA Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Attention: Mr. Bruce Palin  
State of Indiana Department of Environmental Management  
Office of Land Quality (MC 66-30)  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251

Signature:

  
Kenneth Will, VIM Recycling, Inc.

### Photo Log



**Photo 1.** VIM Recycling, Inc., Elkhart operations

**Description:** Remaining portion of C-1 pile being excavated and screened

**Date Taken:** December 12, 2009



**Photo 3.** VIM Recycling, Elkhart operations

**Description:** C-1 pile removal complete – remaining 'stump pile'

**Date Taken:** December 17, 2009

3. Site Contact

Date

K. Will

1/11/2010



## Photo Log



**Photo 2.** VIM Recycling, Elkhart operations

**Description:** Hauling out remaining 'overs' (> 4") in 50yd containers to landfill

**Date Taken:** December 22, 2009



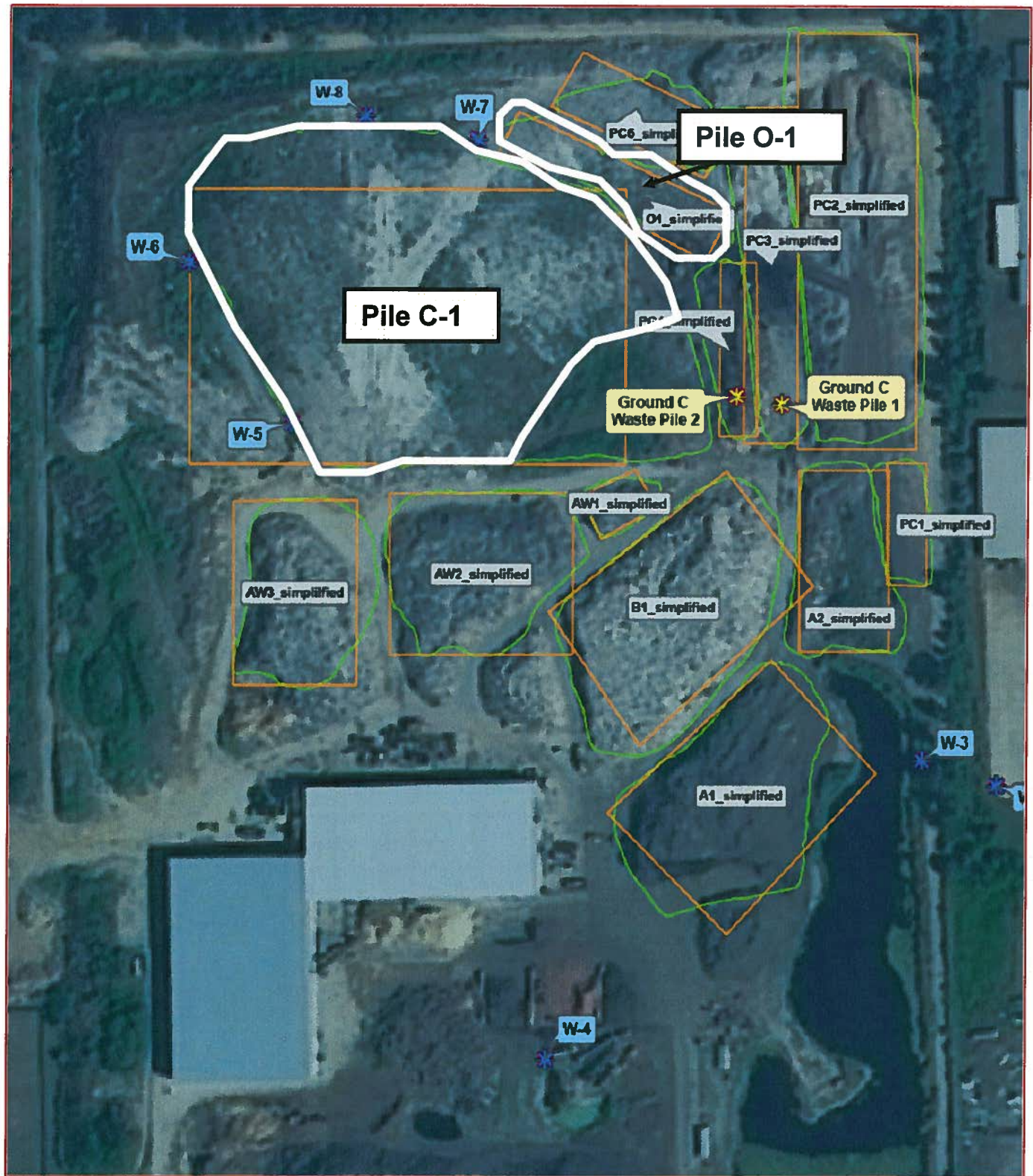
**Photo 3.** VIM Recycling, Elkhart operations

**Description:** Contouring remaining C-1 fines windrows and north/west berms

**Date Taken:** December 22, 2009



**Attachment 1. Boundaries of “C Pile” material stockpiles addressed pursuant to paragraph 31 of Compliance Program\***



**\*The precise limits of “C Pile” material stockpiles C-1 and O-1 were adjusted by EPA in the field as the removal progressed.**







## **ATTACHMENT #3**

### **COPIES OF WEEKLY REPORTS SUBMITTED DURING REPORTING PERIOD**

<b>Weekly Report #</b>	<b>Reporting Period</b>
23	11/30/09 – 12/6/09
24	12/7/09 – 12/13/09
25	12/14/09 – 12/20/09
26	12/21/09 – 12/27/09
27	12/28/09 – 1/03/10
28	1/04/10 – 1/11/10

**VIM Recycling, Inc.**  
**Administrative Consent Order # EPA-5-09-113(a)-IN-05**  
**Weekly Progress Summary**

<b>Report No.</b>	23
<b>Month</b>	Dec-09
<b>Date</b>	12/6/09
<b>Period</b>	11/30/2009 - 12/06/2009

PARAGRAPH	REQUIREMENT	DETAILS
28a, 28b, 43a	Soil and water placement	NO TOPSOIL WAS PLACED ON C PILE.
43b	Material removed from site	3200 YDS / 881 TONS
43d	Cumulative total removed	81500 YDS / 22989 TONS
43c	Volume of screened fines generated	3688 YDS
43e	Cumulative total of screened fines generated	58564 YDS
40, 43f	Load tickets	51
43g	Dedicated equipment on site	1400 WARRIOR, 330BL CAT EXCAVATOR, 750, L120-D LOADER
43h	Dedicated personnel on site	AARON LEHMAN, JOSE HERNANDEZ, CARLOS MOLINA, MIGUEL ESPARZA
43i	Anticipated resources next week	1400 WARRIOR, 330BL CAT EXCAVATOR, 750 & L120-D LOADER. CARLOS MOLINA, AARON LEHMAN, JOSE HERNANDEZ, MIGUEL ESPARZA
44	Update topographic map	MOST RECENT TOPO CONDUCTED ON DEC 3, 2009
48, 49	Surveillance activities, reports	AARON L (12-1, 12-2, 12-5), JOSE H (11-30, 12-3, 12-4, 12-5, 12-6), KEN W (12-1, 12-4), CARLOS M. (12-3, 12-6), M. ESPARZA (12-6), J. MOLINA (11-30), L. NISSLEY (12-6)
55	Site emergency plan	NO UPDATE
56	Informational website	TO BE UPDATED WITH NEXT MONTHLY REPORT
	Agency personnel on site	P. RUESCH (12-1, 12-2, 12-3, 12-4, 12-5), J. HASSAN (11-30), R. ROUDEBUSH (12-3) R. HACKEL (12-1, 12-3)

**Notes:** SCREENING, SORTING, REMOVAL ACTIVITIES CONTINUE

**Prepared by:** KEN WILL 12/06/09

**VIM Recycling, Inc.**  
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**Weekly Progress Summary**

<b>Report No.</b>	24
<b>Month</b>	Dec-09
<b>Date</b>	12/13/09
<b>Period</b>	12/7/2009 - 12/13/2009

PARAGRAPH	REQUIREMENT	DETAILS
28a, 28b, 43a	Soil and water placement	NO TOPSOIL WAS PLACED ON C PILE.
43b	Material removed from site	2100 YDS / 542 TONS
43d	Cumulative total removed	83600 YDS / 23531 TONS
43c	Volume of screened fines generated	2963 YDS
43e	Cumulative total of screened fines generated	61527 YDS
40, 43f	Load tickets	29
43g	Dedicated equipment on site	1400 WARRIOR, 330BL CAT EXCAVATOR, JD750, L120-D LOADER
43h	Dedicated personnel on site	AARON LEHMAN, JOSE HERNANDEZ, CARLOS MOLINA, MIGUEL ESPARZA
43i	Anticipated resources next week	1400 WARRIOR, 330BL CAT EXCAVATOR, JD750, JD850, & L120-D LOADER. CARLOS MOLINA, AARON LEHMAN, JOSE HERNANDEZ, MIGUEL ESPARZA
44	Update topographic map	NEXT TOPO WILL BE CONDUCTED IN EARLY JAN. 2010
48, 49	Surveillance activities, reports	AARON L (12-7, 12-12), JOSE H (12-8, 12-9, 12-10, 12-11), KEN W (12-7, 12-9, 12-13), CARLOS M. (12-13), M. ESPARZA (12-11), J. MOLINA (12-10, 12-13)
55	Site emergency plan	NO UPDATE
56	Informational website	TO BE UPDATED WITH MONTHLY REPORT#6
	Agency personnel on site	P. RUESCH (12-8, 12-10, 12-12), J. HASSAN (12-9), R. ROUDEBUSH (12-7, 12-8), M. SCHMUHL (12-11)

**Notes:** SCREENING, SORTING, REMOVAL ACTIVITIES CONTINUE

**Prepared by:** KEN WILL 12/13/09



**VIM Recycling, Inc.**  
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**Weekly Progress Summary**

<b>Report No.</b>	25
<b>Month</b>	Dec-09
<b>Date</b>	12/20/09
<b>Period</b>	12/14/2009 - 12/20/2009

PARAGRAPH	REQUIREMENT	DETAILS
28a, 28b, 43a	Soil and water placement	EXCAVATION, SCREENING & SORTING OF "C-1" PILE COMPLETED ON 12-16
43b	Material removed from site	3850 YDS / 1172 TONS
43d	Cumulative total removed	87500 YDS / 24719 TONS
43c	Volume of screened fines generated	1450 YDS
43e	Cumulative total of screened fines generated	62977 YDS
40, 43f	Load tickets	55
43g	Dedicated equipment on site	1400 WARRIOR, 330BL CAT EXCAVATOR, JD750, JD850, L120-D LOADER
43h	Dedicated personnel on site	AARON LEHMAN, JOSE HERNANDEZ, CARLOS MOLINA, MIGUEL ESPARZA
43i	Anticipated resources next week	1400 WARRIOR, 330BL CAT EXCAVATOR, JD750, JD850, & L120-D LOADER. CARLOS MOLINA, AARON LEHMAN, JOSE HERNANDEZ, MIGUEL ESPARZA
44	Update topographic map	NEXT TOPO OF CF WINDROWS ONLY TO BE CONDUCTED PRIOR TO FINAL REPORT
48, 49	Surveillance activities, reports	AARON L (12-14, 12-16, 12-18, 12-19, 12-20), JOSE H (12-15, 12-17, 12-20), KEN W (12-14), CARLOS M (12-17, 12-20), MIGUEL E (12-18, 12-20), HOWARD M (12-19), JESSE P (12-19)
55	Site emergency plan	NO UPDATE
56	Informational website	UPDATED WITH MONTHLY REPORT#6
	Agency personnel on site	P RUESCH (12-17, 12-18), R ROUDEBUSH (12-15, 12-16)

**Notes:** SITE CLEAN-UP, FINAL GRADING OF FINES WINDROWS CF-1 - CF-5, AND REMOVAL OF REMAINING C-1 OVERS CONTINUE

**Prepared by:** KEN WILL 12/20/09

**VIM Recycling, Inc.**  
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**Weekly Progress Summary**

<b>Report No.</b>	26
<b>Month</b>	Dec-09
<b>Date</b>	12/27/09
<b>Period</b>	12/21/2009 - 12/27/2009

PARAGRAPH	REQUIREMENT	DETAILS
28a, 28b, 43a	Soil and water placement	EXCAVATION, SCREENING & SORTING OF "C-1" PILE COMPLETED ON 12-16. C-1 OVERS HAULING COMPLETED 12-28-09.
43b	Material removed from site	4400 YDS / 1413 TONS
43d	Cumulative total removed	91900 YDS / 26132 TONS
43c	Volume of screened fines generated	0 YDS
43e	Cumulative total of screened fines generated	62977 YDS
40, 43f	Load tickets	66
43g	Dedicated equipment on site	1400 WARRIOR, 330BL CAT EXCAVATOR, JD750, JD850, L120-D LOADER
43h	Dedicated personnel on site	AARON LEHMAN, JOSE HERNANDEZ, CARLOS MOLINA, MIGUEL ESPARZA
43i	Anticipated resources next week	1400 WARRIOR, 330BL CAT EXCAVATOR, JD750, & L120-D LOADER. CARLOS MOLINA, AARON LEHMAN, JOSE HERNANDEZ, MIGUEL ESPARZA
44	Update topographic map	NEXT TOPO OF CF WINDROWS ONLY TO BE CONDUCTED PRIOR TO FINAL REPORT
48, 49	Surveillance activities, reports	AARON L (12-23, 12-25, 12-26), JOSE H (12-21, 12-22, 12-23, 12-27), KEN W (12-24, 12-25, 12-26), CARLOS M (12-24, 12-27), MIGUEL E (12-25, 12-27), LAURAL N. (12-24, 12-27), JOSE M. (12-21, 12-26)
55	Site emergency plan	NO UPDATE
56	Informational website	UPDATED WITH MONTHLY REPORT#6
	Agency personnel on site	P RUESCH (12-22), R ROUDEBUSH (12-21)

**Notes:** SITE CLEAN-UP, FINAL GRADING OF FINES WINDROWS CF-1 - CF-5, AND REMOVAL OF REMAINING C-1 OVERS COMPLETED ON 12-28-09.

**Prepared by:** KEN WILL 12/27/09

**VIM Recycling, Inc.**  
**Administrative Consent Order # EPA-5-09-113(a)-IN-05**  
**Weekly Progress Summary**

<b>Report No.</b>	27
<b>Month</b>	Dec-09
<b>Date</b>	1/3/10
<b>Period</b>	12/28/2009 - 1/03/2010

PARAGRAPH	REQUIREMENT	DETAILS
28a, 28b, 43a	Soil and water placement	EXCAVATION, SCREENING & SORTING OF "C-1" PILE COMPLETED ON 12-16. C-1 OVERS HAULING COMPLETED 12-28-09.
43b	Material removed from site	0 YDS / 0 TONS
43d	Cumulative total removed	91900 YDS / 26132 TONS
43c	Volume of screened fines generated	0 YDS
43e	Cumulative total of screened fines generated	62977 YDS
40, 43f	Load tickets	0
43g	Dedicated equipment on site	330BL CAT EXCAVATOR, JD750, L120-D LOADER
43h	Dedicated personnel on site	AARON LEHMAN, JOSE HERNANDEZ, CARLOS MOLINA, MIGUEL ESPARZA
43i	Anticipated resources next week	330BL CAT EXCAVATOR, JD750. AARON LEHMAN, JOSE HERNANDEZ, MIGUEL ESPARZA
44	Update topographic map	NEXT TOPO OF CF WINDROWS ONLY TO BE CONDUCTED PRIOR TO FINAL REPORT
48, 49	Surveillance activities, reports	AARON L (12-28, 12-29, 12-30, 1-2-10), JOSE H (12-29, 1-3), KEN W (12-31, 1-1, 1-2, 1-3), CARLOS M (12-31, 1-3), MIGUEL E (1-1, 1-3), LAURAL N. (1-3), JOSE M. (12-28), HOWARD M. (12-31).
55	Site emergency plan	NO UPDATE
56	Informational website	UPDATED WITH MONTHLY REPORT#6
	Agency personnel on site	

**Notes:** SITE CLEAN-UP, FINAL GRADING OF FINES WINDROWS CF-1 - CF-6 CONTINUES.

**Prepared by:** KEN WILL 1/03/10



**VIM Recycling, Inc.**  
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**Weekly Progress Summary**

<b>Report No.</b>	28
<b>Month</b>	Jan-10
<b>Date</b>	1/11/10
<b>Period</b>	1/4/2010 - 1/11/2010

PARAGRAPH	REQUIREMENT	DETAILS
28a, 28b, 43a	Soil and water placement	None
43b	Material removed from site	N/A
43d	Cumulative total removed	91900 YDS / 26132 TONS
43c	Volume of screened fines generated	N/A
43e	Cumulative total of screened fines generated	62977 YDS
40, 43f	Load tickets	N/A
43g	Dedicated equipment on site	330BL CAT EXCAVATOR, JD750, L120-D LOADER
43h	Dedicated personnel on site	AARON LEHMAN, JOSE HERNANDEZ, CARLOS MOLINA, MIGUEL ESPARZA
43i	Anticipated resources next week	N/A - SEE NOTES
44	Update topographic map	FINAL TOPO OF CF WINDROWS AND NORTH & WEST BERMS CONDUCTED ON 1/11
48, 49	Surveillance activities, reports	AARON L (1-5,1-6), JOSE H (1-4,1-5,1-7,1-8,1-10), KEN W (1-5,1-6,1-7,1-9,1-10), CARLOS M (1-7,1-10), MIGUEL E (1-8,1-10), LAURAL N (1-10), JOSE M (1-4,1-9)
55	Site emergency plan	N/A
56	Informational website	WILL BE UPDATED WITH FINAL REPORT AND MAINTAINED UNTIL 2/15/10
	Agency personnel on site	PAUL R (1/5, 1/11), JACOB H. (1-8)

**Notes:** ALL WORK REQUIRED BY ACO COMPLETED ON 1/11/10

**Prepared by:** KEN WILL 1/11/10